

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

BERNARDO MARTINEZ-RAMIREZ)

Case No. 8:23-MJ-712 (CFH))

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of July 14, 2023, in the county of Clinton in the Northern District of New York, the defendant violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(ii) & (v)(I)

Offense Description

The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did transport, move and attempt to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

David Gottschall

Complainant's signature

David B. Gottschall, Border Patrol Agent Intel

Printed name and title

Attested to be the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: December 4, 2023

City and State: Albany, NY

Ch Hummel

Hon. Christian F. Hummel, U.S. Magistrate Judge



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On July 14, 2023, United States Border Patrol Agents were performing surveillance at the intersection of Lost Nations Road and State Route 11 in Churubusco, NY. Agents were targeting a human smuggling organization, known to dispatch vehicles from Ohio to Northern New York, to transport undocumented non-citizens (UDNC) illegally entering the United States into the interior. At approximately 8:45 am, agents observed a black Audi A3 (A3), with Ohio license plate JOA3513 traveling northbound on Lost Nations Road. Minutes later, agents observed the A3 return southbound.

Lost Nations Road is a north/south-oriented road and intersects with Frontier Road. Frontier Road runs east/west, paralleling the international boundary, and is approximately 1 mile from Canada. It is the first paved road where UDNCs, and the organizations responsible for facilitating their illegal entry, can access transport vehicles in the United States.

Agents followed the A3 to State Route 11, where it headed eastbound. A marked Border Patrol Unit followed the vehicle, and it began to drive erratically. Agents activated their emergency lights and sirens and attempted to perform a vehicle stop on the A3. The A3 accelerated to a high rate of speed in order to evade law enforcement. Agents pursued the vehicle on clear roads with little or no traffic until reaching Ellenburgh, NY. Agents terminated their pursuit to preserve public safety and in an attempt to de-escalate the driver's dangerous driving.

Troy-239 (Helicopter Unit) continued to observe the A3 from the air. Troy-239 observed the A3 continue to operate at a high rate of speed, turn onto State Route 190 (SR190), then onto Peryer Road in West Chazy, NY, and then stop in the woods. Immediately upon stopping, six (6) occupants, ran from the vehicle, and absconded into the woods. Troy-239 reported this information to agents.

Agents responded to Peryer Road, encountered the abandoned black A3, and began to search the woods. Agents encountered two subjects attempting to conceal themselves in the thick brush. Agents identified themselves as United States Border Patrol Agents and questioned the subjects as to their citizenship. The subjects stated that they were citizens of Mexico and did not possess any documents to be in the United States legally.

One UDNC, Angel NAJAR-Camacho (NAJAR), stated that in addition to the second UDNC encountered, there were four other subjects, including the driver, who absconded into the woods. Agents searched for the remaining subjects—finding baggage and debris which corroborated NAJAR's claim that six individuals were present in the vehicle. The A3 had five seats.

The A3 was towed to Burke Border Patrol Station and the two UDNCs were brought to the station for processing and interviews. One agent remained to further investigate the fleeing subjects.

At the Burke Border Patrol Station, the two passengers recovered from the A3—Christian RAMIREZ-Alvarado (RAMIREZ) and NAJAR—were shown a photograph of MARTINEZ, and positively identified him as the driver of the Black Audi A3 (Ohio JOA3513), who fled from United States Border Patrol at a high rate of speed.

That day, July 14, 2023, at approximately 3:00 pm, a United States Border Patrol Agent observed a light blue Audi Q5 (Q5) stop near the intersection of Peryer Road and SR190. The Q5 turned on its hazard lights, on the shoulder of SR190 in heavy traffic, close to the area where the subjects had absconded. The Q5 then proceeded down the road and performed a U-turn, just past the area where the subjects had absconded. As the Q5 passed the agent, he observed an Ohio license plate KCY6874. The agent followed the Q5, suspecting it was involved with the A3 and human smuggling event from earlier that day.

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The Q5 stopped on the side of SR190, approximately two miles from the location where the A3 stopped. The driver got out of the vehicle and opened the engine compartment. The agents drove by slowly to inspect the vehicle, its license plate, and if there were any occupants. There were no occupants except the driver. The driver then proceeded to a nearby gas station where he parked in front of the gasoline pumps but did not buy any gasoline. The driver spoke on the phone, went into the store briefly, and then proceeded again to drive on SR190.

The driver turned onto Interstate 87, at which time the agent requested the assistance of New York State Police (NYSP) and Homeland Security Investigations (HSI). NYSP performed a precautionary rolling blockade, prior to agents initiating a vehicle stop. The vehicle yielded and the agent performed an immigration inspection on the driver. The driver was identified as Jose RUIZ-Bolom (RUIZ). RUIZ admitted to being unlawfully present in the United States and was placed under arrest and transported to the Burke Border Patrol station for processing and interview.

At the station, agents provided RUIZ his *Miranda* rights in a recorded interview, and RUIZ agreed to speak to agents without an attorney present. RUIZ admitted to being in Northern New York area to transport UDNCs. RUIZ said that he was unable to transport UDNCs because his partner "Veni" had been pursued by the Border Patrol. RUIZ said that he had transported UDNCs into the United States from the international boundary with Canada on three previous occasions. RUIZ said that he was paid \$1,000 dollars per UDNC that he transported into the United States.

RUIZ consented to a search of his telephone, and showed agents "Veni's" telephone number, (614) 956-6918. Phone number (614) 956-6918 is a Cingular Wireless phone contract, with a 614 area code servicing Columbus, Ohio. The number is associated to subscriber: Bernardo MARTINEZ-Ramirez (MARTINEZ), according to the Accurint commercial database.

A subpoena was issued to Cingular Wireless, a subsidiary of the AT&T corporation, and confirmed that Bernardo MARTINEZ-Ramirez is the account owner of cellular phone (614) 956-6918, with an iCloud subscriber identification of venymtnz@icloud.com.

On July 25, 2023, RAMIREZ and NAJAR were interviewed by Homeland Security Task Force Officer David Gottschall. They were advised of their *Miranda* warning in separate interviews and agreed to speak with your affiant. Both subjects stated that they were scared and that they and the other passengers requested that MARTINEZ stop the vehicle on July 14, 2023, when MARTINEZ was fleeing from Border Patrol.

RUIZ, RAMIREZ, and NAJAR were remanded into the custody of Immigration and Customs Enforcement, Enforcement and Removal Operations Batavia, NY on July 17, 2023.

Previously, on June 30, 2023, Daniel GUTIERREZ-Hernandez (GUTIERREZ) was arrested smuggling eight (8) UDNCs in Chateaugay, NY. GUTIERREZ was driving a vehicle registered to MARTINEZ. GUTIERREZ proffered information related to his smuggling activity on September 14, 2023, in Albany, NY. GUTIERREZ stated that MARTINEZ traveled with him from Columbus, Ohio, with the intention of alien smuggling. GUTIERREZ stated that MARTINEZ also transported UDNCs who had entered without inspection on June 30, 2023, as part of the same human smuggling event. GUTIERREZ stated that MARTINEZ was operating a grey or silver Chevrolet pickup truck on that date. This is corroborated by sensor imagery which places a Silver Chevrolet Pickup truck operating in that area with Ohio license plate HWB2034, registered to Krystal Angel RAMIREZ.

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MARTINEZ-Ramirez's black Traverse (Ohio-KAU7608) was observed in the Northern New York border region on May 16, May 21, June 7, June 9, and June 30 of 2023, the day GUTIERREZ was arrested. The silver Chevrolet Pickup (Ohio- HWB2034) was observed in the Northern New York border region on June 18, June 23, June 30, July 4, and July 10, 2023.

Columbus, Ohio is over 10 hours by car and 664 miles from Churubusco, NY where MARTINEZ picked up UDNCs on July 14, 2023. Both the black Traverse and silver Chevrolet Pickup were observed in the border region for short periods of time on multiple occasions. The frequency of these trips to the US/Canada International Boundary, the distance traveled to rural areas with access to the International Boundary, and the short durations spent in the region compose a pattern, in the affiant's experience, indicative of human smuggling.